

This is an amendment to 7.5.3 NMAC, Sections 6, 7, 8, and 9 effective 8/29/2023.

7.5.3.6 OBJECTIVE: The objective is to establish standards and procedures for obtaining exemptions to required immunizations as allowed by Section 24-5-3 NMSA 1978; specifically for children whose:

A. ~~[duly licensed physician]~~ licensed physician, a physician assistant, or a certified nurse practitioner provides a certificate stating that any of the required immunizations would seriously endanger the life or health of the child; or

B. parent or legal guardian attests via affidavit or written affirmation from an officer of a recognized religious denomination that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

C. parent or legal guardian attests via affidavit or written affirmation that their religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.
[7.5.3.6 NMAC - Rp, 7 NMAC 5.3.6, 11/27/2013; A, 8/29/2023]

7.5.3.7 DEFINITIONS:

A. "ACIP" means advisory committee on immunization practice.

B. "Administrative authority" means the superintendent, principal, or the designee of such person.

C. "Certified nurse practitioner" means a registered nurse licensed by the New Mexico board of nursing for advanced practice as a certified nurse practitioner.

~~[C:]~~ **D.** "Denial" means a denial of a request for exemption from immunizations.

~~[D:]~~ **E.** "Department" means the department of health.

~~[E:]~~ **F.** "Licensed physician" means a physician licensed by the New Mexico board of medicine to practice medicine or osteopathic medicine.

~~[F:]~~ **G.** "NMSIIS" means the New Mexico Statewide Immunization Information System; a secured, confidential, population-based, computerized registry for recording vaccination information established pursuant to Sections 24-5-7 through 24-5-15 NMSA 1978.

H. "Physician assistant" means a health care practitioner licensed by the New Mexico board of medicine to practice as a physician assistant and to provide services to patients with the supervision of or in collaboration with a licensed physician.

~~[G:]~~ **I.** "Public health division" means a division of the department of health within which the immunization program is located.

~~[H:]~~ **J.** "Required immunizations" means those immunizations against diseases deemed to be dangerous to the public health by the public health division, and set forth in its immunization requirements, which are within recommendations of the ACIP.

~~[I:]~~ **K.** "Satisfactory evidence of commencement of immunization" means satisfactory evidence of a person having begun the process of immunizations, such as a certificate, or record signed by a ~~[duly]~~ licensed physician or other recognized public or private health provider ~~[facility]~~ stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule.

~~[J:]~~ **L.** "Satisfactory evidence of immunization" means a statement, certificate, or record signed by a licensed physician or other recognized licensed health provider stating that the required immunizations have been given to the person or record of receipt of immunization in the NMSIIS registry.

~~[K:]~~ **M.** "Secretary" means the secretary for the department of health.

[7.5.3.7 NMAC - Rp, 7 NMAC 5.3.7, 11/27/2013; A, 8/29/2023]

7.5.3.8 REQUIREMENTS FOR APPROVAL OF EXEMPTIONS FROM IMMUNIZATION:

A. Any minor child through his parent or guardian may file a request for exemption from required immunization with the director of the public health division by providing the following:

(1) certificate or affidavit from a ~~[duly licensed physician]~~ licensed physician, a physician assistant, or a certified nurse practitioner attesting that any of the required immunizations would seriously endanger the life or health of the child; or

(2) an affidavit or written affirmation from an officer of a recognized religious denomination stating that the parents or guardians are bona fide members of the recognized denomination, whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

(3) an affidavit or written affirmation by a parent or guardian whose religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agents.

B. The original request for approval of any exemptions from immunization must be mailed to the department of health, public health division, immunization program. The address is P.O. Box 26110, Suite S-1250, Santa Fe, NM, 87502. Request forms can be found at the immunization program offices 1190 St. Francis Drive, Suite South 1250 or on the program's website.

C. Within 60 days of receipt of a request for exemption from immunization, the department of health immunization program ~~manager~~ staff shall review the request to determine whether the certificate has been duly completed. Incomplete requests shall be returned to the requester with information regarding what elements are missing.

D. The department of health immunization program ~~manager~~ staff shall determine approval status of all requests for exemption:

(1) exemption requests shall be approved for a ~~nine-month~~ one-year period indicated by the public health division director or designee;

(2) in the case of approval of a request for exemption, an approved, signed copy of the request shall be provided to the parents or guardian of the child ~~[and to the administrative authority of the school or director of the pre-school or childcare center at which the child has been conditionally enrolled];~~

(3) in the case of a denial, the department of health immunization program staff shall state the reasons for denial in a letter of notification to the parents or guardian of the child ~~[and to the administrative authority of the school or director of the pre-school or childcare center at which the child has been conditionally enrolled].~~ The notice to the parents or guardians shall also include information about the review process in 7.5.3.9 NMAC.

[7.5.3.8 NMAC - Rp, 7 NMAC 5.3.8, 11/27/2013; A, 8/29/2023]

7.5.3.9 REVIEW CRITERIA:

A. The department of health immunization program ~~manager~~ staff will consider the requirements and allowances of the law and the completeness and clarity of the requests for exemption in his or her review. Written criteria for review of exemption from immunization shall be available on the department of health website, included in documents required for submission of immunization exemptions, and provided upon request made to the department.

B. Requests for exemption based on a certificate or affidavit from a ~~[duly licensed physician]~~ licensed physician, a physician assistant, or a certified nurse practitioner will be reviewed for the following:

(1) an original document signed by a ~~[duly licensed doctor of medicine or doctor of osteopathic medicine]~~ licensed physician, a physician assistant, or a certified nurse practitioner, which

(2) contains a statement that immunizations would seriously endanger the health of the child.

C. Requests for religious exemption based on an affidavit or written affirmation from an officer of a religious denomination will be reviewed for the following:

(1) an original document signed by an officer of the denomination, which

(2) contains a statement affirming that the parent or guardian of the child are members of the religious denomination; and

(3) that the religious teachings of the denomination require reliance on prayer or spiritual means alone for healing.

D. Requests for exemption based on an affidavit or written affirmation from a parent will be reviewed for the following:

(1) an original, signed, complete, properly notarized form, which

(2) contains a statement of affirmation from the parent or guardian that their personal religious belief, or jointly-held religious belief does not permit immunization of their child.

[7.5.3.9 NMAC - Rp, 7 NMAC 5.3.9, 11/27/2013; A, 8/29/2023]